

JASON J. BACH
Nevada Bar No. 7984
THE BACH LAW FIRM, LLC
7881 W. Charleston Blvd., Suite 165
Las Vegas, Nevada 89117
Telephone: (702) 925-8787
Facsimile: (702) 925-8788
Email: jbach@bachlawfirm.com
Attorney for Plaintiffs

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

MICHELLE COX, individually, and as parent
and next friend of M.C.,

Plaintiffs,

v.

RYAN LEWIS, individually, and in his official
capacity; JORGE PALACIOS, individually, and
in his official capacity; and CLARK COUNTY
SCHOOL DISTRICT,

Defendants.

Civil Action No. 2:20-cv-01792-JCM-DJA

STIPULATION AND ORDER TO
EXTEND DISCOVERY PLAN AND
SCHEDULING ORDER DEADLINES
(SECOND REQUEST)

Pursuant to LR IA 6-1, LR IA 6-2 and LR 26-3, Michelle Cox ("Mrs. Cox"), individually, and as parent and next friend of M.C. (collectively, "Plaintiffs") and Defendants Ryan Lewis, Jorge Palacios, and Clark County School District ("CCSD," collectively with Mr. Lewis and Ms. Palacios, the "Defendants"), by and through their respective counsel of record, hereby stipulate and request that this Court extend all discovery deadlines set forth in the Order [Docket No. 21] granting the parties' Stipulation to Extend Discovery Deadlines (First Request), entered in the above-captioned case, approximately sixty (60) days as outlined herein. This Stipulation is being entered in good faith and not for purposes of delay.

1 **A. DISCOVERY COMPLETED**

2 **PLAINTIFFS' DISCOVERY**

3 1. On January 26, 2021, Plaintiffs disclosed their Rule 26(a)(1) Initial Disclosure of
4 Witnesses and Documents;

5 2. On April 12, 2021, Plaintiffs disclosed their Rule 26(a)(1) Supplemental Disclosure
6 of Witnesses and Documents;

7 3. On April 12, 2021, Plaintiff Michelle Cox served her Responses to Defendants'
8 First Set of Interrogatories, First Requests for Production and First Request for Admissions;

9 4. On April 12, 2021, Plaintiff M.C. served their Responses to Defendants' First Set
10 of Interrogatories and First Requests for Production;

11 5. On April 12, 2021, Plaintiff Michelle Cox served her First Set of Interrogatories
12 and First Request for Production upon Defendant Clark County School District;

13 6. On April 12, 2021, Plaintiff Michelle Cox served her First Set of Interrogatories
14 and First Request for Admissions upon Defendant Ryan Lewis;

15 7. On April 12, 2021, Plaintiff Michelle Cox served her First Set of Interrogatories
16 and First Request for Admissions upon Defendant Jorge Palacios;

17 8. On June 8, 2021, Plaintiffs served their Responses to Defendants' Second Set of
18 Interrogatories;

19 9. On June 8, 2021, Plaintiffs disclosed their Rule 26(a)(1) Second Supplemental
20 Disclosure of Witnesses and Documents;

21 10. On June 16, 2021, Plaintiff Michelle Cox served her Responses to Defendants'
22 Second Requests for Production;

23 11. On June 16, 2021, Plaintiffs disclosed their Rule 26(a)(1) Third Supplemental
24 Disclosure of Witnesses and Documents;

1 12. On August 9, 2021, Plaintiff Michelle Cox attended her independent medical
2 examination with Defendant's expert witness, Dr. Lewis Etkoff;

3 13. On August 11, 2021, Plaintiff M.C. attended their independent medical
4 examination with Defendant's expert witness, Dr. Lewis Etkoff;

5 14. On October 13, 2021, Plaintiff took the deposition of Defendant Ryan Lewis;

6 15. On October 13, 2021, Plaintiff took the deposition of Defendant Jorge Palacios;
7 and

8 16. On October 14, 2021, Plaintiff took the deposition of Dr. Tammy Malich.

9 **DEFENDANTS' DISCOVERY**

10 1. On January 26, 2021, Defendants disclosed their Initial Disclosure of Witnesses
11 and Documents;

12 2. On February 24, 2021, Defendants served their First Request for Admissions, First
13 Set of Interrogatories and First Request for Production of Documents upon Plaintiff Michelle Cox;

14 3. On February 24, 2021, Defendants served their First Set of Interrogatories and First
15 Request for Production of Documents upon Plaintiff M.C.;

16 4. On April 29, 2021, Defendants served their Second Set of Interrogatories upon
17 Plaintiffs;

18 5. On May 17, 2021, Defendants served their Second Request for Production of
19 Documents upon Plaintiff Michelle Cox;

20 6. On May 26, 2021, Defendants disclosed their First Supplemental Disclosure of
21 Witnesses and Documents;

22 7. On May 27, 2021, Defendants Jorge Palacios and Ryan Lewis served their
23 Responses to Plaintiff Michelle Cox's First Request for Admissions;
24

1 8. On June 9, 2021, Defendant CCSD served its Answers to Plaintiff Michelle Cox's
2 First Set of Interrogatories;

3 9. On June 11, 2021, Defendants Jorge Palacios and Ryan Lewis served their
4 Responses to Plaintiff Michelle Cox's First Set of Interrogatories;

5 10. On June 29, 2021, Defendants disclosed their Second Supplemental Disclosure of
6 Witnesses and Documents;

7 11. On July 19, 2021, Defendant CCSD served its Responses to Plaintiff Michelle
8 Cox's Request for Production of Documents;

9 12. On July 27, 2021, Defendants disclosed their Third Supplemental Disclosure of
10 Witnesses and Documents;

11 13. On August 4, 2021, Defendants disclosed their Fourth Supplemental Disclosure of
12 Witnesses and Documents;

13 14. On August 9, 2021, Defendants disclosed their Fifth Supplemental Disclosure of
14 Witnesses and Documents;

15 15. On August 27, 2021, Defendants disclosed their Sixth Supplemental Disclosure of
16 Witnesses and Documents; and

17 16. On September 22, 2021, Defendants disclosed their Seventh Supplemental
18 Disclosure of Witnesses and Documents.

19 **B. DISCOVERY THAT REMAINS TO BE COMPLETED**

20 The Parties are actively conducting discovery. Due to extreme backlog from COVID-19,
21 Plaintiffs were not able to attend their independent medical examinations with Dr. Lewis Etkoff,
22 until August 9, 2021, and August 11, 2021. Plaintiffs are unable to retain certain experts until they
23 have an opportunity to review Dr. Etkoff's independent medical examination report, which is not
24 yet available to Plaintiffs.

1 Defendants currently have the depositions of M.C. and Randy Cox set for November 3,
2 2021, and Plaintiff Michelle Cox for November 5, 2021. Plaintiff intends to set additional
3 depositions for November 2021.

4 For the reasons explained below, the Parties will need additional time to propound
5 additional written discovery, respond to written discovery, disclose experts and conduct additional
6 depositions.

7 **C. SPECIFIC DESCRIPTION OF WHY EXTENSION IS NECESSARY**

8 Pursuant to Local Rule 26-3, the Parties submit that good causes exists for the extension
9 requested. The Parties have been diligently conducting discovery and continue to conduct
10 discovery. However, additional time is needed for discovery due to the number of parties involved,
11 expert schedules, and because scheduling of depositions has been difficult based on the schedules
12 of counsel.

13 Defendant CCSD retained Dr. Louis Etcoff to conduct an independent medical
14 examination on both plaintiffs in this action. Dr. Etcoff had no availability to conduct these
15 evaluations until August 9, 2021, and August 11, 2021. To date, Plaintiff have yet to receive a
16 copy of Dr. Etcoff's independent medical examination reports, thereby making it impossible for
17 Plaintiffs to meet the expert disclosure deadline at its present setting of November 1, 2021. As for
18 the remainder of discovery, Plaintiff contemplates extensive depositions in this case, which has
19 been complicated by busy schedules for both sides and the disclosure of their expert witness.
20 Depositions for Plaintiff M.C. and Randy Cox have been set for November 3, 2021, and Plaintiff
21 Michelle Cox's deposition has been set for November 5, 2021. Plaintiff anticipates setting
22 additional depositions of CCSD employees, and other witnesses, in November 2021.

D. PROPOSED SCHEDULE FOR COMPLETING ALL REMAINING DEADLINES

	Current Deadline	Proposed New Deadline
Amend Pleadings and Add Parties	July 2, 2021	Past/ Unchanged
Initial Expert Disclosures	November 1, 2021	December 31, 2021
Rebuttal Expert Disclosures	December 1, 2021	January 31, 2022
Discovery Cut-Off	December 29, 2021	February 28, 2022
Dispositive Motions	January 31, 2022	April 1, 2022
Pretrial Order	March 1, 2022	May 2, 2022

Based on the foregoing stipulation and proposed deadlines plan, the Parties request that all discovery deadlines set forth in the Order [Docket No. 21] granting the parties' Stipulation to Extend Discovery Deadlines (First Request) be extended an additional sixty (60) days, as stated herein, so that the parties may review Dr. Ectoff's independent medical examination reports, propound additional written discovery, respond to written discovery, disclose experts and conduct additional depositions.

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1 Dated this 19th day of October, 2021.

Dated this 19th day of October, 2021.

2 **THE BACH LAW FIRM, LLC**

MARQUIS AURBACH COFFING

3 By: /s/ Jason J. Bach

By: /s/ James A. Beckstrom

4 Jason J. Bach
Nevada Bar No. 7984
5 7881 W. Charleston Blvd., Suite 165
Las Vegas, NV 89117
6 *Attorneys for Plaintiff*

Craig R. Anderson
Nevada Bar No. 6882
James A. Beckstrom
Nevada Bar No. 14032
10001 Park Run Drive
Las Vegas, Nevada 89145

Clark County School District
Office of the General Counsel
Crystal J. Herrera
Nevada Bar No. 12396
5100 West Sahara Avenue
Las Vegas, Nevada 89146
Attorneys for Defendants

12 **ORDER**

13 IT IS SO ORDERED.

14 DATED: October 20, 2021

15 
16 Daniel J. Albregts
United States Magistrate Judge